

Children and Family Affairs Committee Amendment No. 3

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1231

House Bill No. 336*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(b), is amended by designating the current language as subdivision “(b)(1)” and by adding the following new language, to be designated as subdivision “(b)(2)”:

(2) However, if the child is found to be delinquent based upon conduct which constitutes the offense of vandalism, as set forth in § 39-14-408, then, as part of the same hearing, evidence of property damage actually sustained by the property owner shall be presented to the court which shall then determine the total amount, if any, of such damages. Notwithstanding the provisions of Title 37, Chapter 10, Part 1, or any other law to the contrary, the court shall then render judgment in such amount, [but in no case shall such amount exceed ten thousand dollars (\$10,000)], against the child in favor of the property owner and shall order the child and the child’s parents or guardians to make compensatory restitution for such amount for the act of vandalism. If the conduct of the child was especially malicious or reflective of recidivistic delinquency, then the court may also order the child and the child’s parents or guardians to make punitive restitution; provided, however, the combined amount of compensatory restitution and punitive restitution shall not exceed treble property damages or thirty thousand dollars (\$30,000), whichever is less. The amount of any punitive restitution may, in the discretion of the court, be reduced or eliminated conditionally based upon the successful completion of community service to be

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jointly performed by the child and the child's parents or guardians and/or participation in family and parenting skills counseling or classes to be jointly attended by the child and the child's parents or guardians. Notwithstanding the provisions of Title 37, Chapter 10, Part 1, or any other law to the contrary, the child and the child's parents or guardians shall be vicariously liable for payment of compensatory restitution and punitive restitution. Execution of such judgment, and the orders of restitution, shall issue as in civil cases. Sanctions imposed pursuant to this subdivision shall be in addition to such other sanctions as may be imposed pursuant to this chapter. Unless a policy holder has specifically contracted with his or her insurance company for insurance coverage under such circumstances, it shall be contrary to the public policy of this state for any insurance company to pay restitution, ordered pursuant to this subdivision, on behalf of any child and/or the child's parents or guardians or to reimburse a child and/or the child's parents or guardians for any restitution ordered pursuant to this subdivision and paid by such child and/or parents or guardians.

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